

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEVIN KUSZAK AND TRICIA)	4:03CV3107
KUSZAK, Husband and Wife, and)	
MIDLANDS CONTRACTING, INC.,)	
a Nebraska Corporation,)	
)	
Plaintiffs,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
HENDRIX MANUFACTURING CO.,)	
INC., a Louisiana Corporation,)	
)	
Defendant.)	

This matter is before the Court on its own motion. Some time after it was filed, this case was referred to the United States Bankruptcy Court for the District of Nebraska. On June 1, 2004, the reference to bankruptcy was withdrawn by order of this court (filing 109). That June 1, 2004 order directed the parties to “advise the court by electronic filing every 90 days of the status of this action.” The last status report was filed on January 7, 2006 (filing 131). It has been more than 90 days since the filing of the last status report. The parties have failed to comply with the court’s June 1, 2004 order and almost two years has passed since the withdrawal of the reference to the Nebraska bankruptcy court.

Accordingly, pursuant to the terms of the court’s prior order (filing 109), Fed. R. Civ. P. 41, and NELR 41.1, the court finds that Plaintiffs’ claims against the defendant should be dismissed without prejudice.

Accordingly,

IT IS ORDERED:

1. This case is dismissed without prejudice; and
2. Judgment shall be entered by separate document.

April 26, 2005.

BY THE COURT:

s/Richard G. Kopf
United States District Judge